

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICHOLAS TUINSTRA,

Plaintiff,

v.

GARY BOUGHTON, JOLINDA
WATERMAN, MARK KARTMAN, WEST
and JOHN AND JANE DOES,

Defendants.

ORDER

Case No. 18-cv-282-wmc

Pro se plaintiff Nicholas Tuinstra filed a proposed civil complaint, claiming that Wisconsin Department of Corrections officials violated his constitutional rights when they denied his prescription medication on three consecutive occasions. The complaint was filed on April 19, 2018, and is currently under advisement for screening pursuant to 28 U.S.C. § 1915A. However, Tuinstra now seeks to withdraw the complaint voluntarily and requests a refund of the portion of the filing fee he paid already. (Dkt. #7.) He explains that he had a falling out with the fellow inmate he had relied on to file and prepare his complaint and that he has decided that litigating this lawsuit is “more trouble than its worth.” (*Id.*) Additionally, plaintiff requests that the court stop collecting the remainder of the filing fee still due.

Tuinstra’s motion will be granted because he has provided sufficient justification for withdrawing his complaint and having his filing fee refunded. Further, since this case has not yet been screened, dismissing it will not prejudice the defendants.

ORDER

IT IS ORDERED that plaintiff Nicholas Tuinstra's motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #7) is GRANTED. This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Entered this 19th day of September, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge